IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

PATRICIA L. TOLBERT	§	
v.	§	CIVIL ACTION NO. 9:12CV88
MEMORIAL HEALTH SYSTEM OF EAST TEXAS	§	

ORDER ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contain her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation (document #15) recommends that Defendant's Motion to Dismiss (document #8) be granted to the extent that Defendant asserts the complaint was not timely filed and that the complaint be dismissed with prejudice pursuant to Fed.R.Civ.P. 12(b)(6). No written objections have been filed. The Court therefore adopts the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is

ORDERED that Defendant's Motion to Dismiss (document #8) is **GRANTED** to the extent that Defendant asserts that the complaint was not timely filed. It is further

ORDERED that the complaint is **DISMISSED** with prejudice for failure to state a claim pursuant to Fed.R.Civ.P. 12(b)(6). Any motion not previously ruled on is **DENIED**.

So **ORDERED** and **SIGNED** this **21** day of **August, 2012.**

Ron Clark, United States District Judge